IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

REALTIME DATA, LLC,	§
	§
Plaintiff,	§
	§ CIVIL ACTION NO. 6:15-CV-463
	§ RWS-JDL
V.	§
	§ LEAD CASE
	§
ACTIAN CORPORATION ET AL.,	§ JURY TRIAL DEMANDED
	§
Defendants.	§
REALTIME DATA, LLC,	§
,	§
Plaintiff,	§
	§ CIVIL ACTION NO. 6:16-CV-88
	§ RWS-JDL
	§
	§ LEAD CASE
V.	§
	§ JURY TRIAL DEMANDED
ORACLE AMERICA, INC.,	§
HEWLETT PACKARD ENTERPRISE	§
COMPANY, and HP ENTERPRISE	§
SERVICES, LLC,	§
,	§
Defendants.	\$
	ODDED

ORDER

Before the Court are Plaintiff Realtime Data LLC and Defendants EchoStar Corp. and Hughes Network Systems, LLC; Hewlett Packard Enterprise Co. and HP Enterprise Services, LLC; and Riverbed Technology, Inc.'s (collectively, "Moving Defendants") Joint Motions for Leave to Cancel Early Damages Expert Matters in case numbers 6:15-cv-463 (Doc. No. 391) and 6:16-cv-88 (Doc. No. 62). The Moving Parties have requested that they be excused from

¹ Dell Inc. and Oracle America, Inc. do not join this motion. Realtime does not seek relief in this motion as to its obligations with respect to these parties.

exchanging Early Damages Expert Reports and from participating in the Early Damages Expert

hearing. The Moving Parties have noted that they do not believe the reports and hearing are

necessary because they have attended mediations this spring that provided insight into where the

parties stand with respect to damages, and will attend mediation again in the next six months

where they hope to make additional progress.

While the Court appreciates the role of mediations in allowing the parties to gather

insight into each other's damages positions, the Court notes that there are other purposes for its

mandated Early Damages Expert requirements. Specifically, the hearing allows the Court to

learn about the parties' damages positions. In addition, it gives the Court the opportunity to

provide its own insight regarding any damages disputes between the parties. If the Moving

Parties are willing to stipulate that they will not file any Daubert motions or other papers

challenging the other Moving Parties' damages position prior to trial, the Court will grant the

Moving Parties' Motions for Leave to Cancel Early Damages Expert Matters.

It is therefore **ORDERED** that the Moving Parties are given leave to file a stipulation

consistent with this Order within seven (7) days of the date of this order if they so choose.

So ORDERED and SIGNED this 20th day of September, 2016.

JOHN D. LOVE

UNITED STATES MAGISTRATE JUDGE